

SECOND REGULAR SESSION

SENATE BILL NO. 1250

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR ALTER.

Read 1st time March 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5422S.02I

AN ACT

To repeal sections 115.427, 161.092, and 173.005, RSMo, and to enact in lieu thereof six new sections relating to illegal aliens.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 115.427, 161.092, and 173.005, RSMo, are repealed
2 and six new sections enacted in lieu thereof, to be known as sections 43.032,
3 115.427, 161.092, 173.005, 208.009, and 590.700, to read as follows:

43.032. Subject to appropriation, the superintendent of the
2 **Missouri state highway patrol may designate that some or all employees**
3 **of the highway patrol be trained in accordance with a memorandum of**
4 **understanding between the state of Missouri and the United States**
5 **Department of Justice or the federal Department of Homeland Security**
6 **concerning the enforcement of federal immigration laws on federal**
7 **highways and interstates in the state of Missouri. The superintendent**
8 **shall have the authority to negotiate the terms of such**
9 **memorandum. The memorandum shall be signed by the superintendent**
10 **of the highway patrol, the governor, and the director of the department**
11 **of public safety.**

115.427. 1. Before receiving a ballot, voters shall [identify themselves]
2 **establish their identity and eligibility to vote at the polling place by**
3 presenting a form of personal identification [from the following list:

4 (1) Identification issued by the state of Missouri, an agency of the state,
5 or a local election authority of the state;

6 (2) Identification issued by the United States government or agency
7 thereof;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

8 (3) Identification issued by an institution of higher education, including
9 a university, college, vocational and technical school, located within the state of
10 Missouri;

11 (4) A copy of a current utility bill, bank statement, government check,
12 paycheck or other government document that contains the name and address of
13 the voter;

14 (5) Driver's license or state identification card issued by another state; or

15 (6) Other identification approved by the secretary of state under rules
16 promulgated pursuant to subsection 3 of this section other identification approved
17 by federal law.

18 Personal knowledge of the voter by two supervising election judges, one from each
19 major political party, shall be acceptable voter identification upon the completion
20 of a secretary of state-approved affidavit that is signed by both supervisory
21 election judges and the voter that attests to the personal knowledge of the voter
22 by the two supervisory election judges. The secretary of state may provide by
23 rule for a sample affidavit to be used for such purpose]. **"Personal**
24 **identification" shall only mean one of the following:**

25 **(1) Non-expired Missouri driver's license showing the name and**
26 **a photograph or digital image of the individual; or**

27 **(2) Non-expired or non-expiring Missouri nondriver's license**
28 **showing the name and a photographic or digital image of the**
29 **individual; or**

30 **(3) A document that satisfies all of the following requirements:**

31 **(a) The document contains the name of the individual to whom**
32 **the document was issued, and the name conforms to the name in the**
33 **individual's voter registration record;**

34 **(b) The document shows a photographic or digital image of the**
35 **individual;**

36 **(c) The document includes an expiration date, and the document**
37 **is not expired, or if expired, expired not before the date of the most**
38 **recent general election; and**

39 **(d) The document was issued by the United States or the state of**
40 **Missouri.**

41 **2. The election judges shall notify a voter who presents at the**
42 **polling place without a form of personal identification that satisfies the**
43 **requirements of subsection 1 of this section that the voter may return**

44 to the polling place with a proper form of personal identification and
45 vote a regular ballot after election judges have verified the voter's
46 identity and eligibility under subsection 1 of this section. Voters who
47 return to the polling place during the uniform polling hours established
48 by section 115.407 with a current and valid form of personal
49 identification shall be given priority in any voting lines.

50 3. The precinct register shall serve as the voter identification
51 certificate. The following form shall be printed at the top of each page of the
52 precinct register:

53 VOTER'S IDENTIFICATION CERTIFICATE

54 Warning: It is against the law for anyone to vote, or attempt to vote, without
55 having a lawful right to vote.

56 PRECINCT

57 WARD OR TOWNSHIP

58 GENERAL (SPECIAL, PRIMARY) ELECTION

59 Held, 20.....

60 Date

61 I hereby certify that I am qualified to vote at this election by signing my name
62 and verifying my address by signing my initials next to my address.

63 [3.] 4. The secretary of state shall promulgate rules to effectuate the
64 provisions of this section.

65 [4.] 5. Any rule or portion of a rule, as that term is defined in section
66 536.010, RSMo, that is created under the authority delegated in this section shall
67 become effective only if it complies with and is subject to all of the provisions of
68 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
69 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
70 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
71 date or to disapprove and annul a rule are subsequently held unconstitutional,
72 then the grant of rulemaking authority and any rule proposed or adopted after
73 August 28, 2002, shall be invalid and void.

74 [5.] 6. If any voter is unable to sign his name at the appropriate place
75 on the certificate or computer printout, an election judge shall print the name and
76 address of the voter in the appropriate place on the precinct register, the voter
77 shall make his mark in lieu of signature, and the voter's mark shall be witnessed
78 by the signature of an election judge.

161.092. The state board of education shall:

2 (1) Adopt rules governing its own proceedings and formulate policies for
3 the guidance of the commissioner of education and the department of elementary
4 and secondary education;

5 (2) Carry out the educational policies of the state relating to public
6 schools that are provided by law and supervise instruction in the public schools;

7 (3) Direct the investment of all moneys received by the state to be applied
8 to the capital of any permanent fund established for the support of public
9 education within the jurisdiction of the department of elementary and secondary
10 education and see that the funds are applied to the branches of educational
11 interest of the state that by grant, gift, devise or law they were originally
12 intended, and if necessary institute suit for and collect the funds and return them
13 to their legitimate channels;

14 (4) Cause to be assembled information which will reflect continuously the
15 condition and management of the public schools of the state;

16 (5) Require of county clerks or treasurers, boards of education or other
17 school officers, recorders and treasurers of cities, towns and villages, copies of all
18 records required to be made by them and all other information in relation to the
19 funds and condition of schools and the management thereof that is deemed
20 necessary;

21 (6) Provide blanks suitable for use by officials in reporting the information
22 required by the board;

23 (7) When conditions demand, cause the laws relating to schools to be
24 published in a separate volume, with pertinent notes and comments, for the
25 guidance of those charged with the execution of the laws;

26 (8) Grant, without fee except as provided in section 168.021, RSMo,
27 certificates of qualification and licenses to teach in any of the public schools of the
28 state, establish requirements therefor, formulate regulations governing the
29 issuance thereof, and cause the certificates to be revoked for the reasons and in
30 the manner provided in section 168.071, RSMo;

31 (9) Classify the public schools of the state, subject to limitations provided
32 by law, establish requirements for the schools of each class, and formulate rules
33 governing the inspection and accreditation of schools preparatory to classification,
34 with such requirements taking effect not less than two years from the date of
35 adoption of the proposed rule by the state board of education, provided that this
36 condition shall not apply to any requirement for which a time line for adoption
37 is mandated in either federal or state law;

38 (10) Make an annual report on or before the first Wednesday after the
39 first day of January to the general assembly or, when it is not in session, to the
40 governor for publication and transmission to the general assembly. The report
41 shall be for the last preceding school year, and shall include:

42 (a) A statement of the number of public schools in the state, the number
43 of pupils attending the schools, their sex, and the branches taught;

44 (b) A statement of the number of teachers employed, their sex, their
45 professional training, and their average salary;

46 (c) A statement of the receipts and disbursements of public school funds
47 of every description, their sources, and the purposes for which they were
48 disbursed;

49 (d) Suggestions for the improvement of public schools; and

50 (e) Any other information relative to the educational interests of the state
51 that the law requires or the board deems important;

52 (11) Make an annual report to the general assembly and the governor
53 concerning coordination with other agencies and departments of government that
54 support family literacy programs and other services which influence educational
55 attainment of children of all ages;

56 (12) Require from the chief officer of each division of the department of
57 elementary and secondary education, on or before the thirty-first day of August
58 of each year, reports containing information the board deems important and
59 desires for publication;

60 (13) Cause fifty copies of its annual report to be reserved for the use of
61 each division of the state department of elementary and secondary education, and
62 ten copies for preservation in the state library;

63 (14) Have other powers and duties prescribed by law; **and**

64 **(15) Ensure that an adult individual who is not a citizen or a**
65 **permanent resident of the United States or does not possess lawful**
66 **immigration status is prohibited from participating in any family**
67 **literacy program, parents-as-teachers program, vocational education**
68 **program, vocational rehabilitation program, or after-school tutoring**
69 **program in any manner whatsoever.**

173.005. 1. There is hereby created a "Department of Higher Education",
2 and the division of higher education of the department of education is abolished
3 and all its powers, duties, functions, personnel and property are transferred as
4 provided by the Reorganization Act of 1974, Appendix B, RSMo.

5 2. The commission on higher education is abolished and all its powers,
6 duties, personnel and property are transferred by type I transfer to the
7 "Coordinating Board for Higher Education", which is hereby created, and the
8 coordinating board shall be the head of the department. The coordinating board
9 shall consist of nine members appointed by the governor with the advice and
10 consent of the senate, and not more than five of its members shall be of the same
11 political party. None of the members shall be engaged professionally as an
12 educator or educational administrator with a public or private institution of
13 higher education at the time appointed or during his term. The other
14 qualifications, terms and compensation of the coordinating board shall be the
15 same as provided by law for the curators of the University of Missouri. The
16 coordinating board may, in order to carry out the duties prescribed for it in
17 subsections 1, 2, 3, 7, and 8 of this section, employ such professional, clerical and
18 research personnel as may be necessary to assist it in performing those duties,
19 but this staff shall not, in any fiscal year, exceed twenty-five full-time equivalent
20 employees regardless of the source of funding. In addition to all other powers,
21 duties and functions transferred to it, the coordinating board for higher education
22 shall have the following duties and responsibilities:

23 (1) The coordinating board for higher education shall have approval of
24 proposed new degree programs to be offered by the state institutions of higher
25 education;

26 (2) The coordinating board for higher education may promote and
27 encourage the development of cooperative agreements between Missouri public
28 four-year institutions of higher education which do not offer graduate degrees and
29 Missouri public four-year institutions of higher education which do offer graduate
30 degrees for the purpose of offering graduate degree programs on campuses of
31 those public four-year institutions of higher education which do not otherwise
32 offer graduate degrees. Such agreements shall identify the obligations and duties
33 of the parties, including assignment of administrative responsibility. Any
34 diploma awarded for graduate degrees under such a cooperative agreement shall
35 include the names of both institutions inscribed thereon. Any cooperative
36 agreement in place as of August 28, 2003, shall require no further approval from
37 the coordinating board for higher education. Any costs incurred with respect to
38 the administrative provisions of this subdivision may be paid from state funds
39 allocated to the institution assigned the administrative authority for the
40 program. The provisions of this subdivision shall not be construed to invalidate

41 the provisions of subdivision (1) of this subsection;

42 (3) In consultation with the heads of the institutions of higher education
43 affected and against a background of carefully collected data on enrollment,
44 physical facilities, manpower needs, institutional missions, the coordinating board
45 for higher education shall establish guidelines for appropriation requests by those
46 institutions of higher education; however, other provisions of the Reorganization
47 Act of 1974 notwithstanding, all funds shall be appropriated by the general
48 assembly to the governing board of each public four-year institution of higher
49 education which shall prepare expenditure budgets for the institution;

50 (4) No new state-supported senior colleges or residence centers shall be
51 established except as provided by law and with approval of the coordinating board
52 for higher education;

53 (5) The coordinating board for higher education shall establish admission
54 guidelines consistent with institutional missions;

55 (6) The coordinating board shall establish policies and procedures for
56 institutional decisions relating to the residence status of students;

57 (7) The coordinating board shall establish guidelines to promote and
58 facilitate the transfer of students between institutions of higher education within
59 the state;

60 (8) The coordinating board shall collect the necessary information and
61 develop comparable data for all institutions of higher education in the state. The
62 coordinating board shall use this information to delineate the areas of competence
63 of each of these institutions and for any other purposes deemed appropriate by
64 the coordinating board;

65 (9) Compliance with requests from the coordinating board for institutional
66 information and the other powers, duties and responsibilities, herein assigned to
67 the coordinating board, shall be a prerequisite to the receipt of any funds for
68 which the coordinating board is responsible for administering; and

69 (10) If any institution of higher education in this state, public or private,
70 willfully fails or refuses to follow any lawful guideline, policy or procedure
71 established or prescribed by the coordinating board, or knowingly deviates from
72 any such guideline, or knowingly acts without coordinating board approval where
73 such approval is required, or willfully fails to comply with any other lawful order
74 of the coordinating board, the coordinating board may, after a public hearing,
75 withhold or direct to be withheld from that institution any funds the
76 disbursement of which is subject to the control of the coordinating board, or may

77 remove the approval of the institution as an "approved institution" within the
78 meaning of section 173.205, but nothing in this section shall prevent any
79 institution of higher education in this state from presenting additional budget
80 requests or from explaining or further clarifying its budget requests to the
81 governor or the general assembly; and

82 **(11) The coordinating board shall ensure that an individual who**
83 **is not a citizen or a permanent resident of the United States or does not**
84 **possess lawful immigration status shall not receive in-state tuition**
85 **status, tuition waivers, fee waivers, grants, scholarship assistance,**
86 **financial aid, tuition assistance, or any other type of financial**
87 **assistance at any public higher education institution.**

88 3. The coordinating board shall meet at least four times annually with an
89 advisory committee who shall be notified in advance of such meetings. The
90 coordinating board shall have exclusive voting privileges. The advisory
91 committee shall consist of thirty-two members, who shall be the president or
92 other chief administrative officer of the University of Missouri; the chancellor of
93 each campus of the University of Missouri; the president of each state-supported
94 four-year college or university, including Harris-Stowe State University, Missouri
95 Southern State University, Missouri Western State University, and Lincoln
96 University; the president of Linn State Technical College; the president or
97 chancellor of each public community college district; and representatives of each
98 of five accredited private institutions selected biennially, under the supervision
99 of the coordinating board, by the presidents of all of the state's privately
100 supported institutions; but always to include at least one representative from one
101 privately supported junior college, one privately supported four-year college, and
102 one privately supported university. The conferences shall enable the committee
103 to advise the coordinating board of the views of the institutions on matters within
104 the purview of the coordinating board.

105 4. The University of Missouri, Lincoln University, and all other
106 state-governed colleges and universities, chapters 172, 174 and 175, RSMo, and
107 others, are transferred by type III transfers to the department of higher education
108 subject to the provisions of subsection 2 of this section.

109 5. The state historical society, chapter 183, RSMo, is transferred by type
110 III transfer to the University of Missouri.

111 6. The state anatomical board, chapter 194, RSMo, is transferred by type
112 II transfer to the department of higher education.

113 7. All the powers, duties and functions vested in the division of public
114 schools and state board of education relating to community college state aid and
115 the supervision, formation of districts and all matters otherwise related to the
116 state's relations with community college districts and matters pertaining to
117 community colleges in public school districts, chapters 163 and 178, RSMo, and
118 others, are transferred to the coordinating board for higher education by type I
119 transfer. Provided, however, that all responsibility for administering the
120 federal-state programs of vocational-technical education, except for the 1202a
121 post-secondary educational amendments of 1972 program, shall remain with the
122 department of elementary and secondary education. The department of
123 elementary and secondary education and the coordinating board for higher
124 education shall cooperate in developing the various plans for vocational-technical
125 education; however, the ultimate responsibility will remain with the state board
126 of education.

127 8. The administration of sections 163.171 and 163.181, RSMo, relating to
128 teacher-training schools in cities, is transferred by type I transfer to the
129 coordinating board for higher education.

130 9. All the powers, duties, functions, personnel and property of the state
131 library and state library commission, chapter 181, RSMo, and others, are
132 transferred by type I transfer to the coordinating board for higher education, and
133 the state library commission is abolished. The coordinating board shall appoint
134 a state librarian who shall administer the affairs of the state library under the
135 supervision of the board.

136 10. All the powers, duties, functions, and properties of the state poultry
137 experiment station, chapter 262, RSMo, are transferred by type I transfer to the
138 University of Missouri, and the state poultry association and state poultry board
139 are abolished. In the event the University of Missouri shall cease to use the real
140 estate of the poultry experiment station for the purposes of research or shall
141 declare the same surplus, all real estate shall revert to the governor of the state
142 of Missouri and shall not be disposed of without legislative approval.

**208.009. 1. No person who is not a citizen or a permanent
2 resident of the United States or who does not possess lawful
3 immigration status shall receive state or local public assistance under
4 this chapter, except for state or local public assistance that is
5 mandated by federal law under 8 U.S.C. Section 1621.**

6 2. In addition to providing proof of other eligibility

7 requirements, at the time of application for any state or local public
8 benefit, an applicant who is nineteen years of age or older shall provide
9 affirmative proof that the applicant is a citizen or a permanent resident
10 of the United States or possesses lawful immigration status. Such
11 affirmative proof shall consist of documentary evidence recognized by
12 the department of revenue when processing an application for a
13 driver's license. A state or local government agency administering
14 public assistance benefits shall not accept an identification card issued
15 by a state or local government agency, including a driver's license, to
16 establish identity or determine eligibility for public assistance benefits
17 unless the state or local government agency that issued the card has
18 verified the immigration status of the applicant.

19 3. An applicant who is under the age of nineteen years shall not
20 be required to provide such affirmative proof. However, such person
21 upon reaching the age of nineteen years shall comply with the
22 provisions of this section.

23 4. An applicant who cannot provide the proof required under
24 this section at the time of application may alternatively sign an
25 affidavit under oath, attesting to either United States citizenship or to
26 classification by the United States as an alien lawfully admitted for
27 permanent residence, in order to receive temporary benefits or a
28 temporary identification document as provided in this section. The
29 affidavit shall be on or consistent with forms prepared by the state or
30 local government agency administering the public assistance benefits
31 program, and shall include the applicant's Social Security number and
32 an explanation of the penalties under state law for fraudulently
33 obtaining public assistance benefits.

34 5. An applicant who has provided the sworn affidavit required
35 under subsection 4 of this section is eligible to receive temporary
36 public assistance program benefits as follows:

37 (1) For ninety days or until such time that it is determined that
38 the applicant is not lawfully present in the United States, whichever is
39 earlier; or

40 (2) Indefinitely if the applicant provides a copy of a completed
41 application for a birth certificate that is pending in Missouri or some
42 other state. An extension granted under this subsection shall terminate
43 upon the applicant's receipt of a birth certificate or a determination

44 that a birth certificate does not exist because the applicant is not a
45 United States citizen.

46 6. All state agencies administering public assistance programs
47 in this state shall cooperate with local governments and the United
48 States Department of Homeland Security to develop a system to
49 facilitate verification of an individual's lawful presence in the United
50 States in furtherance of this section. The system developed may
51 include all or part of the Systematic Alien Verification Entitlements
52 Program operated by the United States Department of Homeland
53 Security.

590.700. Notwithstanding any other provision of law to the
2 contrary and to the extent permitted by federal law, peace officers are
3 authorized to investigate, apprehend, detain, or remove any individual
4 who is not a citizen or permanent resident of the United States or does
5 not possess lawful immigration status and who is located in this
6 state. Peace officers are authorized to transport such individuals
7 across state lines to a detention center.

Bill ✓

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